



ITW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q86739

Pascal BRUNA

Appln. No.: 10/532,961

Group Art Unit: 3743

Confirmation No.: 9115

Examiner: Unknown

Filed: April 27, 2005

For: FLUID PRODUCT DISPENSING DEVICE WITH DOSE INDICATOR

**SUBMISSION OF INTERNATIONAL PRELIMINARY
EXAMINATION REPORT (IPER)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report (IPER). It is noted that the four references cited in the International Search Report were previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on April 27, 2005, and are therefore not enclosed herewith.

Respectfully submitted,

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WASHINGTON OFFICE

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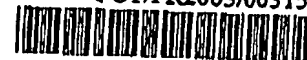
CUSTOMER NUMBER

Date: August 24, 2006

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003155

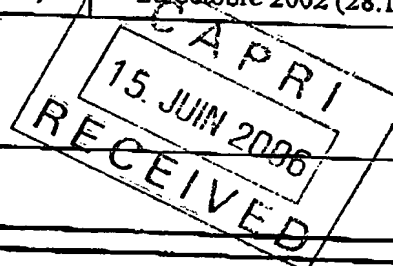


PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VALS 871 B PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003155	International filing date (day/month/year) 24 octobre 2003 (24.10.2003)	Priority date (day/month/year) 28 octobre 2002 (28.10.2002)
International Patent Classification (IPC) or national classification and IPC A61M 15/00		
Applicant VALOIS SAS		



1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 26 mai 2004 (26.05.2004)	Date of completion of this report 10 November 2004 (10.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003155

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-6 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-11 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under Item 1 and annexed to this report.

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PCT/FR 03/03155

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 5-9	YES
	Claims	1, 2, 4, 10, 11	NO
Inventive step (IS)	Claims	5-9	YES
	Claims	1-4, 10, 11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1. The current independent claim 1 is so general and vague that each of documents EP-A-0 684 047 (column 8, line 18, to column 11, line 48, and figures 1 to 5C), US-A-6 029 659 (column 2, line 47, to column 3, line 27, and figures 4B, 6), WO-A-02/058771 (page 4, line 20, to page 5, line 21, and figures 1 and 3B), and US-A-5 544 647 (column 5, line 23, to column 6, line 8, and figure 5) describes all the technical features of claim 1.

Therefore the subject matter of independent claim 1 is not novel (PCT Article 33(2)).

2. Each of documents EP-A-0 684 047 (column 8, line 18, to column 11, line 48, and figures 1 to 5C), US-A-6 029 659 (column 2, line 47, to column 3, line 27, and figures 4B, 6), WO-A-02/058771 (page 4, line 20, to page 5, line 21, and figures 1 and 3B), and US-A-5 544 647 (column 5, line 23, to column 6, line 8, and figure 5) also describes all the technical features of dependent claims 2, 4, 10 and 11.

Therefore the subject matter of dependent claims 2, 4, 10 and 11 is not novel (PCT Article 33(2)).

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3. The features in dependent claim 3 have already been used for the same purpose in a similar device; see DE-A-43 40 593, page 2, lines 3 and 4. It is obvious for a person skilled in the art to apply these features to like effect to a device according to EP-A-0 684 047 and thus arrive at a device according to claim 3.

Therefore the subject matter of dependent claim 3 does not involve an inventive step (PCT Article 33(3)).

4. The combination of features in dependent claims 5 to 9 does not appear in the prior art and cannot be derived therefrom in an obvious manner. The reasons are as follows: claim 5 states that the energy required to modify the display is generated when the device is activated. All the documents disclose battery-operated liquid crystal displays (LCDs). The device for distributing fluid product as per claim 5 is therefore not anticipated by the search report citations. Consequently the subject matter of claim 5 is novel and involves an inventive step. Claims 6 to 9 also meet the requirements of PCT Article 33(2) and (3). Moreover, claims 1 to 11 are considered to have industrial applicability.